

TENNESSEE BOARD OF DISPENSING OPTICIANS

DATE: March 29, 2006
TIME: 9:00 a.m.
LOCATION: Tennessee Room
Ground Floor, Cordell Hull Building
425 Fifth Avenue, North
Nashville, TN 37247

BOARD MEMBERS

PRESENT: Kelly Godsey, DPO, Chair
Felda Stacey, DPO, Secretary
P. R. Happy Moyer, DPO
Peggy Hannah, DPO
Stacey Chitwood, DPO

STAFF

PRESENT: Joan Burk, Board Administrator
Nicole Armstrong, Advisory Attorney
Jerry Kosten, Rules Coordinator
Barbara Maxwell, Administrative Director

Mr. Godsey, chair, called the meeting to order at 9:07. A sufficient amount of board members were present to constitute a quorum.

Review Minutes

Upon review of the January 11, 2006 minutes Ms. Hannah made a motion, seconded by Ms. Moyer, to approve the minutes as written.

Conflict of Interest

Ms. Armstrong reviewed the conflict of interest statement asking all board members to disclose any possible conflict of interest to determine if the board member must recuse him/herself from the proceedings and leave the room during the hearing.

Office of General Counsel Report

Ms. Armstrong said the rule pertaining to criminal background checks was adopted by the Board on March 30, 2005 and becomes effective May 31, 2006.

Ms. Armstrong said the rule package pertaining to titles, advertising, screening panels, pre-1996 apprenticeship experience and other state licensing requirements is under review by the Attorney General.

Investigative Report

Ms. Armstrong said there were six (6) open complaints from 2005, one (2) which was closed with no action. Ms. Armstrong said seven (7) new complaints have been received year to date.

Disciplinary Report

Ms. Armstrong stated that Ms. Phelps, disciplinary coordinator, monitors disciplined practitioners to ensure they comply with the stipulations of the discipline.

Mr. Godsey asked if the board will be notified if the civil penalties and costs are not paid.

Ms. Armstrong said if the penalties and costs are not paid it would come before the board as a case hearing.

Financial Report

Ms. Burk said the board has a cumulative carryover from June 30, 2004 of \$158,180.39 and a current year net of \$11,661.35, which gives the board a current carryover of \$169,841.74.

Administrative Report

Ms. Burk stated there are 810 licensed, 177 retired and 386 failed to renew dispensing opticians. Ms. Burk said there are currently 148 active, 31 revoked and 62 in process apprentices.

Ms. Burk said there are nine (9) applicants scheduled to take the written examination by Mr. Ferguson.

Ms. Burk said the parking area at the municipal auditorium will be eliminated in June as the area is being renovated for the metropolitan bus terminal.

Ms. Kosten stated the TBI prepared a new invitation to bid for the criminal background check. Mr. Kosten said Identix has had the contract for several years and TBI will extend their contract through the end of June 2006 which will allow prospective bidders to submit proposals.

Mr. Kosten said with the exception of a few board, every board has rules regarding criminal background checks which will become effective May 31, 2006. Ms. Kosten said

the new contract will allow practitioners to make appointments, not only by telephone, but online.

Discuss and take action regarding approving continuing education pending ABO/NCLE approval

Ms. Armstrong said this issue was discussed at the pre-board last week as the rules state the board has the discretion to approve continuing education courses approved by ABO/NCLE in the last twelve (12) months.

Upon discussion, the board determined not to approve any ABO/NCLE pending continuing education courses, as the courses must be approved by ABO/NCLE prior to submitting to the board.

Ratify new licensees

Ms. Moyer made a motion, seconded by Ms. Hannah, to approve the following applicants who passed the written examination:

Valerie Markos, DPO
Virginia Milford, DPO
Kelly Deneen Davidson, DPO

The motion carried.

Ratify new applications

Ms. Moyer made a motion, seconded by Ms. Hannah, to approve the following applications to sit for the written examination:

Dawn Arnold
Afton Baxter
Russell Jeffrey Bridges
Eric Hanson
Amanda Kiernan
Larry Lane
Joseph Lindley
April Martin
Sandra Reames
Tammy Russ
DeAnna Sanders

The motion carried.

Ratify applicants to begin apprenticeship program

Ms. Moyer made a motion, seconded by Ms. Hannah, to approve the following applicants to begin the apprenticeship program:

Barbara Akers
Hannan Clark Gibbons
Greg Gsell
Herbert Lewis
Mark Saunders
Robert Booher
Anthony Schlemmer

The motion carried.

Application review

Ms. Stacey made a motion, seconded by Ms. Moyer, to delay the application of **Janet Boyce-Ahlbrandt**, upon receipt of proof of a three year apprenticeship program. The motion carried.

Ms. Moyer made a motion, seconded by Ms. Hannah, to approve **Nicholas Ellis** to sit for the written examination. The motion carried.

Ms. Hannah made a motion, seconded by Ms. Moyer, to deny the application of **Lynette Hoonhorst** and to notify Ms. Hoonhorst that she must complete a three year apprenticeship program. The motion carried.

Ms. Stacey made a motion, seconded by Ms. Moyer, to approve **Russell Scott Wyatt** to sit for the written examination. The motion carried.

Ms. Stacey made a motion, seconded by Ms. Moyer, to delay the application of **Barry Jackson**, which contained no confirmation that Mr. Jackson obtained a three year apprenticeship program in Florida. Mr. Jackson stated he completed 6240 hours of apprenticeship which was lost when the Florida system was upgrade. Ms. Stacy asked Ms. Burk to submit a letter to the Florida board requesting the dates and material lost in the upgrade and the date the apprentice program was implemented. The motion carried.

Review apprenticeship program

Upon review of the apprenticeship program **Dann Scott Dunham** obtained through Dr. Dishmon, who was working in an office next door but not on the premises, Ms. Hannah made a motion, seconded by Ms. Moyer to send Mr. Dunham a letter stating the board cannot approve his current apprenticeship as he must have an on-site supervisor and contact the premises that apprentices must have on premise supervisors. The motion carried.

Ratify reinstatements

Ms. Moyer made a motion, seconded by Ms. Stacey, to approve the following dispensing optician reinstatements:

Jack Wright, DPO

Amy Dotson, DPO

Melissa Powell, DPO

The motion carried.

Ms. Moyer made a motion, seconded by Ms. Stacey, to approve the reinstatement of **Bill Davis, DPO**. The motion carried.

Review correspondence

Upon review of the correspondence from **Deborah L. Vess**, Ms. Stacey made a motion, seconded by Ms. Moyer, to deny Ms. Vess's continuing education waiver request and require her to make up the hours and pay the \$100 penalty fee. The motion carried.

Upon review of the correspondence from **Kathy A. Lee**, Ms. Moyer made a motion, seconded by Ms. Hannah, to deny Ms. Lee's continuing education waiver request and require her to make up the hours and pay the \$100 penalty fee. The motion carried.

Upon review of the correspondence from **Patti Caylor**, Ms. Moyer made a motion, seconded by Ms. Hannah, to deny Ms. Caylor's continuing education waiver request and require her to make up the hours and pay the \$100 penalty fee. The motion carried.

Continuing education course review

Ms. Moyer made a motion, seconded by Ms. Stacey, to approve the continuing education courses submitted by CEDO which are ABO/NCLE approved. The motion carried.

Ms. Moyer made a motion, seconded by Ms. Stacey, to approve the continuing education courses submitted by the 2006 Florida Educational Seminars, with the exception of the Florida law section, which are ABO/NCLE approved. The motion carried.

Ms. Moyer made a motion, seconded by Ms. Hannah, to deny the continuing education courses submitted by **Midwest Vision Congress X Expo**, as they are not ABO/NCLE approved. The motion carried.

Ratify closed files

Upon review, Ms. Moyer made a motion, seconded by Ms. Hannah, to close the following applications, for failure to submit the appropriate documentation in a timely manner:

**Lisa Robin Adkins
Roxie Kathryn Amburgey
Dana Jill Ash
Doris Lavern Beard
Dana Ann Clark
Lisa Duncan
Melissa Shea Flinn
Kathy Hunter-Taylor
Ashley Nicole Hurt-Lewis
Mellissa Marie Jones
Jamie Lynn Kowalski
Stacey L. Lane
Claudia L. Long
Toby Tyler Mize
Kimberlie Ann Short
Charity Lynn Tolbert
Crystal Lynn Tompkins**

The motion carried.

Other board business

Mr. Godsey stated that today is Ms. Moyer's last meeting. Ms. Godsey thanked Ms. Moyer for her years of hard work as a board member and stated he appreciated everything she has done for him and the board.

Ms. Moyer thanked the board and said although it was bittersweet; it is time for her to go.

With no other board business to conduct, Ms. Hannah made a motion, seconded by Ms. Stacey to adjourn at 10:36 a.m. The motion carried.

Ratified by the Board of Dispensing Opticians at the June 2, 2006 board meeting.